



State of Arizona  
**Department of Education**

**Tom Horne**  
Superintendent of  
Public Instruction

**CN# 11-07**

**MEMORANDUM**

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**To:** School Health & Nutrition Program Sponsors

**From:** Mary Szafranski, Deputy Associate Superintendent  
Arizona Department of Education, Health & Nutrition Services

Katrina Klatt, NSLP Nutrition Director  
Arizona Department of Education, School Health & Nutrition Programs

**Date:** August 16, 2006

**RE:** Buy American Reminder

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This memorandum serves as a reminder to all Local Educational Agencies (LEAs) to ensure all foods purchased with funds from the nonprofit food service account comply with the Buy American provisions. The Buy American provisions are found in the regulations of the National School Lunch Program (NSLP) located in 7 CFR 210.21(d) and the School Breakfast Program (SBP) at 7 CFR 220.16(d).

Although a food product was displayed at the School Nutrition Association's 2006 Annual National Conference, which was clearly marked as containing a main ingredient from China and prepared in Thailand, this food item is non-compliant with the Buy American provisions. Therefore, the food item is unacceptable for school food service including a la carte sales. **All** food items purchased using funds from the nonprofit school food service account must comply with Buy American provisions including a la carte food items.

Actions that the LEAs can take to comply with the Buy American provisions include:

- Monitoring contractor performance;
- Including a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase order, etc.);
- Requiring suppliers to certify the origin of the product;
- Examining product packaging for identification of the country of origin; and
- Asking the supplier for specific information about the percentage of U.S. content in the food product.

The *Child Nutrition Program Guidance Manual*, section 10.6, discusses the Buy American provisions in detail and can be found on the ADE Health and Nutrition Programs website at [www.ade.az.gov/health-safety/cnp/nslp/GuidanceManual/CNPSection10.pdf](http://www.ade.az.gov/health-safety/cnp/nslp/GuidanceManual/CNPSection10.pdf)

If you have questions or concerns regarding this memo, please contact your assigned School Health & Nutrition Program Specialist at 602-542-8700.